



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

July 11, 2008

LOCATION: Department of Health
101 Israel Road Southeast, Room 163
Tumwater, Washington 98501

BOARD MEMBERS PRESENT: Thomas Wall, Ph.D., Chair
Carol Pahlke, Ph.D., Vice-Chair
Jorge Torres-Saenz, Psy.D.
Christine Guzzardo, Ph.D.
Benjamin Johnson, Psy.D.
Decky Fiedler, Ph.D.
Ray Harry, Public Member
Timothy Cahn, Ph.D.

STAFF PRESENT: Robert Nicoloff, Executive Director
Leslie Magby, Acting Program Manager
Tammy Kelley, Disciplinary Program Manager
Mike Ellsworth, Staff Attorney
Judy Young, Staff Attorney

AAG PRESENT: Mark Calkins, Assistant Attorney General (AAG)

On July 11, 2008 the Examining Board of Psychology (Board) met in Tumwater, Washington at Department of Health, 101 Israel Road Southeast, Tumwater Washington 98501, in accordance with the Open Public Meetings Act. The meeting agenda was e-mailed to members of the Examining Board of Psychology Listserv.

OPEN SESSION

1. CALL TO ORDER – Thomas Wall, Ph.D., Chair 9:35 AM

1.1 The agenda was approved with the following amendments:

- Item 10 was tabled until the next meeting.
- Item 16 was moved from Closed Session to Open Session and tabled until the next meeting.

1.2 The meeting minutes from May 23, 2008 were approved as published.

2. ASSISTANT ATTORNEY GENERAL (AAG) REPORT – Mark Calkins, AAG

Mark Calkins discussed a request from the King County Prosecuting Attorney's Office (KCPAO) for the board to file an amicus brief supporting a statutory interpretation position of KCPAO. The interpretation is of RCW 71.09.090(4)(b) "Petition for conditional release to less restrictive alternative or unconditional discharge – Procedures" regarding "evidence from a licensed professional" as implying the licensed professional is licensed in the state of Washington. The amicus brief from the board would assist the court by addressing the meaning of "practicing psychology" in Washington State.

Ray Harry stated that any person who practices psychology in the state of Washington must have a either a license or temporary permit. Board members were in agreement and felt a message explaining this should be given to the court.

ACTION – Mark Calkins will generate a memo to the Solicitor General's Office requesting to file an amicus brief. Mr. Calkins will draft the amicus brief and email it to Dr. Wall for approval.

3. DELEGATION OF DECISION-MAKING FOR CREDENTIALING APPLICATIONS – Leslie Magby, Acting Program Manager

Leslie Magby presented a delegation of signature authority form for credentialing to board members. The delegation of authority form would allow customer service staff to approve routine credentialing applications.

Board members felt they needed more information regarding the credentialing process of applications before making a decision to delegate authority. The board would like a customer service manager to provide them with more information at a future meeting. **ACTION** – Leslie Magby will invite a Customer Service Office manager to an upcoming meeting and request they provide board members with a checklist used for reviewing applications and the meaning of "routine" applications.

4. PUBLIC COMMENT

Dr. Lucy Homans expressed Washington State Psychological Association's (WSPA) concerns with the new mandatory reporting rules under Chapter 246-16 WAC and RCW 18.13.080 regarding unprofessional conduct. WSPA's assumption is that psychologists will have to change their disclosure statements to reflect the new mandatory reporting rules. Failure to submit a mandatory report is now included in the Uniform Disciplinary Act as unprofessional conduct.

RCW 18.13.080(4) states, "Failure of a license holder to submit a mandatory report to the disciplining authority under subsection (1)(b) of this section is punishable by a civil penalty not to exceed five hundred dollars and constitutes unprofessional conduct." This may cause over-reporting based on a license holder's fear of not reporting.

Dr. Homans is asking for the board's opinion on how to best present this information regarding mandatory reporting at WSPA's continuing education workshops being provided in September and November 2008.

Board members created a sub-committee to review Lucy's concerns regarding mandatory reporting, prior to the regularly scheduled board meeting on August 22, 2008. Sub-committee members include Tim Cahn, Decky Fiedler, Ben Johnson, Mark Calkins, Betty Moe, and a DOH representative. Ray Harry will attend the meeting but is not a member of the sub-committee.

ACTION – A special meeting will be called in order for the sub-committee to discuss mandatory reporting rules.

LUNCH Lunch was provided to board members.

5. EXAMINING BOARD OF PSYCHOLOGY SUB-COMMITTEES

Board members broke into sub-committees to review the status of current projects.

6. MANAGER REPORTS

6.1 Tammy Kelley presented current licensing statistics to board members.

Credentialing Statistics-July 7, 2008

Active	2,078
Military	5
Retired	89
Expired	854

6.2 Tammy Kelley discussed the current budget with board members. The July interim report indicated a current balance of \$302,061.

6.3 Robert Nicoloff informed board members that implementation of the recent registered counselor legislation has begun and the rules process for the eight new credentials is also beginning.

6.4 Tammy Kelley shared disciplinary statistics with board members. Ms. Kelly provided board members with a report of open disciplinary cases. As of July 8, 2008 there are a total of thirty-two open cases.

7. CONSENT AGENDA

The items listed under the consent agenda (informational items) are considered routine agency matters and were approved by a single motion of the board without separate discussion.

7.1 ASPPB Spring 2008 Newsletter.

7.2 National Register of Health Service Providers in Psychology Memorandum.

8. REVIEW OF DR. JIM SHAW'S REQUEST FOR ASSISTANCE REGARDING PEACE OFFICE PRE-EMPLOYMENT PSYCHOLOGICAL STANDARDS

Board members were provided with a memo directly from Dr. Shaw. In the memo, Dr. Shaw explains a meeting he attended with the Assistant Director of the Criminal Justice Training Commission on July 2, 2008. The current legislation does not allow the Commission to set pre-employment psychological standards through Washington Administrative Codes. In coordination with members of the Washington State Association of Sheriffs and Police Chiefs, the Commission will submit a proposal to the Legislature for changes to RCW 43.101.080(19) and RCW 43.101.095(2)(a)(i). **ACTION** – Dr. Wall will email Dr. Shaw thanking him for the information and to keep the board updated on their progress.

9. SANCTION GUIDELINES WORKGROUP REPORT – Tim Cahn, Ph.D.

Tim Cahn thanked Jorge Torres-Saenz for attending the first Sanction Guidelines Workgroup meeting in June 2008. Dr. Cahn reported to board members that there were about twenty representatives at the July meeting and they anticipate one more meeting to create the final sanction guidelines. Board members were curious if there was a way to communicate concerns with a respondent and give them feedback. **ACTION** – Dr. Cahn will address this question at the next Sanction Guidelines Workgroup meeting.

10. MEETING PLANNING FOR 2009

This item was tabled until the next meeting.

11. FUTURE AGENDA ITEMS – Thomas Wall, Ph.D., Chair

- Formalize retreat agenda
- Dr. Wall & Dr. Guzzardo's report on a policy for approving examination accommodation requests
- Schedule 2009 meetings, training orientations, and jurisprudence exams

12. REQUEST FOR LIST & LABELS

Board members reviewed the requests for list and labels of psychologists in Washington State for the following organizations:

12.1 Antioch University Seattle – The board approved the request. There was one abstention by Tim Cahn.

ACTION – Mark Calkins will draft a letter for Dr. Wall's signature, asking Antioch University to remove their advertised continuing workshops as "recognized by the Department of Health."

- 12.2** Edward Via Virginia College of Osteopathic Medicine – The board approved the request, with three abstentions.

13. CASE REVIEW

AGREED ORDER

Respondent: Steven R. Kubacki

Docket Number: 04-10-A-1101PY

Staff Attorney: Judy Young

*Christine Guzzardo, Ben Johnson, and Carol Pahlke were recused during the deliberation of this case.

14. EXECUTIVE SESSION – TO DISCUSS POTENTIAL LITIGATION WITH ASSISTANT ATTORNEY GENERAL

The board may take final action following the Executive Session.

CLOSED SESSION

15. CASE REVIEW

STIPULATION TO INFORMAL DISPOSITION

Docket Number: M2008-117694

Staff Attorney: Judy Young

16. MOCK DISCIPLINARY CASE REVIEW – Carol Pahlke, Ph.D., Vice-Chair

This item was tabled until the next meeting and will be listed under Open Session on future agendas.

17. CASE PRESENTATIONS AND CONTINUING EDUCATION AUDIT REVIEWS

17.1 Board members will break into panels to discuss and determine whether the cases presented should be investigated, closed, or moved to the informal or formal resolution process.

17.2 Board members will break into panels to review and determine whether continuing education materials submitted during the audit meet the continuing education requirements.

18. ADJOURNMENT – Thomas Wall, Ph.D., Chair

5:00 PM

The next scheduled meeting dates for 2008:

- **August 22nd** – Seattle Pacific University
- **September 26th** – Department of Health, 101 Israel Road, Town Center 1, Room 163, Tumwater
- **November 14th** – Vancouver Area

The next scheduled orientation dates:

- **November 13th** – Vancouver Area

Submitted by:

Signature on File

Leslie Magby, Acting Program Manager
Examining Board of Psychology

Approved by:

Signature on File

Thomas Wall, Ph.D., Chair
Examining Board of Psychology